

Exhibit A

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

IN RE:)
PHARMACEUTICAL INDUSTRY AVERAGE) CA No. 01-12257-PBS
WHOLESALE PRICE LITIGATION) Pages 1 - 91
)

BMS FINAL APPROVAL HEARING

BEFORE THE HONORABLE PATTI B. SARIS
UNITED STATES DISTRICT JUDGE

United States District Court
1 Courthouse Way, Courtroom 19
Boston, Massachusetts
March 28, 2011, 2:17 p.m.

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OFFICIAL COURT REPORTER
United States District Court
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1 THE COURT: That's what I remember. Now, it may be
2 that we didn't cross the T and dot the I. I deemed that a
3 withdrawal. Now, maybe I should have issued an order deeming
4 them no longer class reps, but, you know, no one asked me to
5 and I didn't do it. But I remember at the time distinctly
6 believing, because I remember there was then a problem with the
7 class, and I said, "Can you find someone else?" Wasn't that
8 how this all evolved? I remember thinking that that might
9 undercut the whole class action, and I think I deemed it, and I
10 think no one disabused me of it, as a withdrawal that might
11 undermine the viability of the class.

12 MR. HAVILAND: Well, I don't think anybody got that
13 from you, Judge. I certainly didn't. What happened was --

16 MR. HAVILAND: Well, I continued as class counsel up
17 until the point you disqualified me three months after I
18 appeared in front of you in January of 2008, I believe it was.

22 MR. HAVILAND: Well, it was a quick opinion. And in
23 the interim I was continuing to represent the consumers. I
24 took the appeal of Johnson & Johnson on behalf of Shepley, and
25 your Honor pointed out, "Boy, I wish someone had pointed out to